

AMENDMENTS TO THE CLAIMS

This listing of the claims will replace all prior versions, and listings, of claims in the application:

We claim:

1. (Currently amended) A water-proof mascara composition which comprises
 - a) an oil phase comprising a liquid ester, an oil or a mixture thereof, 1 to 50% by weight of a silicon-based film-forming agent, 0.1 to 10% by weight of a gel-forming agent being a mixture of glyceryl behenate and stearyl behenate in a ratio of 1:2 to 1:4 selected from among fatty acids, fatty acid esters, cosmetically useful glycol derivatives and mixtures thereof;
 - b) 7 to 15 % by weight of pigments, ~~powders with~~ powders with [[a]] pigment like effects pigment-like effect, [[and]] or mixtures thereof;
 - c) a water phase comprising 42 to 75% by weight of water;
 - d) 0.1 to 10% by weight of a surface-active agent; and
 - e) further carrier substances, auxiliaries, active agents or mixtures thereof, all percentages being relative to the total weight of the composition, wherein the composition is free of waxes and hydrocarbon solvents, wherein said water-proof mascara composition comprises an emulsion, and wherein the applied water-proof mascara composition exhibits no statistically increased amount of streaking, smudging or flaking after immersion in water.
2. (Previously presented) The composition according to claim 1, wherein the oil of the oil phase is a silicone oil.
3. (Previously presented) The composition according to claim 1, wherein the ester of the oil phase is diisostearyl maleate.

4. (Canceled).
5. (Previously presented) The composition according to claim 1, wherein the gelling agent is in the range of 0.1-5% by weight.
6. (Previously presented) The composition according to claim 1, wherein the composition comprises as a film forming agent trimethyl siloxysilicate.
7. (Previously presented) The composition according to claim 1, wherein the water phase comprises 50 to 75% by weight water.
8. (Previously presented) The composition according to claim 7, wherein the water phase comprises 56 to 75% by weight water.
9. (Previously presented) The composition according to claim 1, wherein the surfactant is a nonionic surfactant.
10. (Currently amended) The composition according to claim 1 wherein the [[said]] composition contains moisturizing substances selected from [[among]] the group consisting of: propylene glycol, butylene glycol, glycerine and mixtures thereof.
11. (Currently amended) A mascara composition according to claim 1 comprising an oil phase which comprises a liquid ester, 15 to 30% by weight of a film-forming agent on a silicone base, and 0.1 to 10% by weight of a gel-forming agent being a mixture of glyceryl behenate and stearyl behenate in a ratio of 1:2 to 1:4 ~~selected from a fatty acid ester, a cosmetically useful glycol derivative and a mixture thereof;~~

1 to 15% by weight of pigments selected from ~~[[among]]~~ the group consisting of: iron oxides, mica, talc, kaolin, manganese containing clays, nylon pearls, coated pigments and mixtures thereof;

a water phase comprising 45 to 70% by weight of water; 0.5 to 7% by weight of a non-ionic surface-active agent; 0.8 to 2% by weight of a cationic silicone polymer; and

optionally, further carrier substances, auxiliaries, active agents or mixtures thereof, wherein the composition is free of waxes and hydrocarbon solvents.

12. (Previously Presented) The composition according to claim 1, wherein the gelling agent is in the range of 1.0-4.5% by weight.

13. (Canceled).

14. (Canceled).

15. (Currently Amended) A water-proof mascara composition which comprises
a) an oil phase comprising a liquid ester, an oil or a mixture thereof, 15 to 30% by weight of a silicon-based film-forming agent, 0.1 to 10% by weight of a gel-forming agent being a mixture of glyceryl behenate and stearyl behenate in a ratio of 1:2 to 1:4 selected from among fatty acids, fatty acid esters, cosmetically useful glycol derivatives and mixtures thereof;

b) 1 to 50% by weight of substances selected from ~~[[among]]~~ the group consisting of: pigments, powders, fillers and mixtures thereof;

c) a water phase comprising 42 to 75% by weight of water;

d) 0.1 to 10% by weight of a surface-active agent; and

e) further carrier substances, auxiliaries, active agents or mixtures thereof, all percentages being relative to the total weight of the composition, wherein the composition is free of waxes

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Amendment B

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and hydrocarbon solvents, wherein said water-proof mascara composition comprises an emulsion.